

(Rev. 03/06/07)

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF MISSISSIPPI**

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In Re: Samuel M Brothers and Lora Brothers  
Debtor(s)

Bankruptcy Case No.: 10-10518-NPO

Locke D. Barkley, Trustee for the Bankruptcy Estate of  
Samuel M. Brothers and Lora Brothers  
Plaintiff(s)

Adversary Proceeding No. 11-01006-NPO

vs.

Trustmark National Bank; BAC Home Loans Servicing,  
L.P., Individually and as Servicer for The Bank of New  
York Mellon Trust Co., N.A., as Trustee for  
Certificateholders of CWMB 2005-R1; and The Bank of  
New York Mellon Trust Co., N.A., Individually and as  
Trustee for Certificateholders of CWMB 2005-R1  
Defendant(s)

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**SUMMONS IN AN ADVERSARY PROCEEDING**

YOU ARE SUMMONED and required to submit a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall submit a motion or answer to the complaint within 35 days.

David J. Puddister, Clerk of Court  
U.S. Bankruptcy Court  
Northern District of Mississippi  
Cochran U.S. Bankruptcy Courthouse  
703 Highway 145 North  
Aberdeen, MS 39730

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

W. Jeffrey Collier  
Post Office Box 55829  
Jackson, MS 39296-5829

If you make a motion, your time to answer is governed by Bankruptcy Rule 7012.

**IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR  
CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY  
DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.**



(Seal of the U.S. Bankruptcy Court)  
Date of Issuance: 1/11/11

s/ David J. Puddister  
Clerk of the Bankruptcy Court

### CERTIFICATION OF SERVICE

I, Sandy Smith, certify that I am, and at all times during the service of process was not less than 18 years of age and not a party to the matter concerning which service of process was made. I further certify that the service of this summons and a copy of the complaint was made on The Bank of New York Mellon Trust Company, N.A. by:

☒ Mail service: Regular, first class United States mail, postage fully pre-paid addressed to:  
700 South Flower Street, Suite 200  
Los Angeles, CA 90017  
Attention: Scott Poster, CEO

☐ Personal Service: By leaving the process with defendant or with an officer or agent of defendant at:

☐ Residence Service: By leaving the process with the following adult at:

☐ Publication: The defendant was served as follows: (Describe briefly)

☐ State Law: The defendant was served pursuant to the laws of the State of \_\_\_\_\_, as follows: (Describe briefly)

Under penalty of perjury, I declare that the foregoing is true and correct.

January 12, 2011  
Date

Sandy Smith  
Signature

Print Name	<u>Sandy Smith</u>		
Business Address	<u>Office of Locke D. Bankley, Ch 13 Trustee</u> <u>Post Office Box 55829</u>		
City	<u>Jackson</u>	State	<u>MS</u>
		Zip	<u>39296-5829</u>